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Letters to the Editor

The Nixon Medical: Unanswered Questions

To the Editor:

I am disturbed about many aspects of the recent court-ordered medical examination of former President Nixon. Now that it is clear that Mr. Nixon will not testify, these issues, like so many other aspects of this bizarre Watergate affair, will go unresolved and unanswered.

The panel of medical experts produced an extremely brief report which gives only conclusions on the very basic questions asked by Judge Sirica. Ordinarily, this would be an unacceptable medicolegal report. The reason stated for this total omission of evidentiary support was that "this would involve information regarding his condition, which we have been instructed is confidential."

Who instructed the panel on this confidentiality? Mr. Nixon, by submitting to the physical examination, automatically waived his right to confidentiality of the findings of that examination. As for the examination of the hospital records, X-rays and other special studies, normal legal practice would also require a waiver of confidentiality on these documents, even to allow the panel to evaluate them. This is why the panel waited until permission of the patient was obtained for examination before the doctors would even leave Washington. The panel asserts in its letter to Judge Sirica that it would give "medical reasons and data" to the judge if he required it. Now that Mr. Nixon will not be called, these reasons presumably will not be revealed.

There are other matters which

could be discussed about this case, such as why the panel was appointed with one member as "chairman." Such a system encourages joint reports and unanimity of opinions, but discourages independent exploration. We do not and cannot know what effect such a method had in this case.

I would not question the medical qualification of this panel. However, none of the accounts of their appointments indicates that any of them had medicolegal training or experience, or specific instruction on what is required of a witness in an extremely complex case such as this where the witness is himself virtually a defendant and is subject to examination and cross-examination on behalf of multiple defendants.

This case, like the medical examination of President Kennedy's body and the investigation at the scene of President Kennedy's assassination, raises serious questions about the level of expertness and sophistication in our judicial and medical communities concerning the field of legal medicine. It is about time we began to install an effective medicolegal system in this country. If these cases are examples of how we handle medicolegal matters in major national investigations and trials, imagine how much worse it must be for the rest of the unfortunate people who get caught up in the public systems of justice.

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Boston, Dec. 9, 1974

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